

IN THE SENATE OF THE UNITED STATES.

MARCH 31, 1880.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1063.]

The Committee on Claims, to whom was referred the bill (S. 1063) for the relief of William J. Gamble, have had the same under consideration, and respectfully submit the following report:

The claim embraced in the bill is for the value of the running-gear of a six-horse wagon taken for the use of the United States Army from the claimant. The following is a copy of the original voucher given to the claimant for the property taken, and which is before your committee in support of the claim:

LA GRANGE, TENN., August 11, 1865.

This is to certify that the running-gear of a six-horse wagon belonging to W. J. Gamble, private of Second Arkansas Cavalry, was taken to replace the running-gear of one government wagon broken down unable to travel. Said government wagon was in the possession of Capt. R. B. Owens, A. Q. M., Springfield, Mo., on the march from Northeast Arkansas to Springfield, Mo., under the command of Col. J. E. Phelps, Second Arkansas Cavalry.

GEO. MORLEY,

Lieutenant, Regimental Quartermaster, Second Arkansas Cavalry.

Witness to the above:

JOHN E. PHELPS,

Colonel Second Arkansas Cavalry.

This claim was presented to the Third Auditor of the Treasury in October, 1874, and the foregoing voucher filed with that officer, also an affidavit of the claimant in support of his claim. The original voucher was referred by the Third Auditor to the Second Auditor of the Treasury for his examination to test the genuineness of the signatures by which the vouchers are certified and approved. On the 12th of April, 1875, the Second Auditor returned the voucher, stating that from evidence on file in his office the signatures of John E. Phelps, colonel, and George Morley, lieutenant and regimental quartermaster Second Arkansas Cavalry, in case of W. J. Gamble, private Second Arkansas Cavalry, may be considered genuine.

The affidavit of the claimant Gamble, made before J. M. Doubleday, notary public, at Boone County, Arkansas, states, among other things, that he was the original, and is the present, owner of said claim; that said wagon was taken about the 25th of May, 1864, from his farm in Carroll County, in the State of Arkansas. It was a new six-horse wagon and in good running order, and was well worth \$125; that he had given that price for it but a short time before it was taken; the wagon had not been used more than one month.

On reference of the claim to the Quartermaster-General it was considered that \$100 is a fair value of the property.

The claim, however, was disallowed by the Second Comptroller on the ground that the voucher was not a regular voucher, but only a memorandum receipt, and should have been presented under the act of July 4, 1864.

The claim was then presented under the act of July 4, 1864, and it was determined by the Quartermaster-General that, the case having originated in an insurrectionary State, Arkansas, he had no jurisdiction of the claim.

Whether the claim could have been allowed by either of the officers to whom the claim has been presented it is not necessary now to inquire. It is clearly established that the wagon was the property of the claimant, Gamble, and was on his farm in Arkansas; he was loyal to the United States; was in its military service as a private soldier in the Second Arkansas Cavalry; and the article was taken by command of the colonel of the Second Arkansas Cavalry and used by that regiment. The value of the property is \$125.

The committee are of opinion that the claim should be allowed, and report the bill back and recommend that it be passed.

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